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STRATEGIES FOR CRIME PREVENTION AND CONTROL, PARTICULARLY IN URBAN AREAS AND IN THE CONTEXT OF PUBLIC SECURITY

Elimination of violence against women

Report of the Secretary-General

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INTRODUCTION

1. The present report has been prepared in pursuance of Economic and Social Council resolution 1996/12, on the elimination of violence against women, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its fifth session. In that resolution, the Council, requested the Secretary-General to seek the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women. In addition, the Council called upon Member States, in providing their views, to include the multidisciplinary views of their ministries, departments and agencies that had responsibilities related to the elimination of violence against women. In addition, the Council also requested the Secretary-General to submit a report containing the text of the draft measures, strategies and activities, as well as a report on the views received, to the Commission at its sixth session so that it might be discussed by an open-ended in-sessional working group of the Commission.

2. The original version of the draft measures, strategies and activities entitled, "Draft plan of action on the elimination of violence against women", was considered by the Commission at its fifth session (E/CN.15/1996/11 and Corr.1), in the plenary and by an in-sessional open-ended working group. At that fifth session of the Commission, a number of amendments to the draft measures, strategies and activities were proposed and agreed upon.

3. The present report presents an overview of the results of the above-mentioned consultations and of the views expressed on the subject by Governments, United Nations entities, intergovernmental organizations and non-governmental organizations. It also includes, in its annex, the revised text of the draft measures, strategies and activities, which take those views into account.

4. The Economic and Social Council, at its substantive session of 1996, had before it a report of the Secretary-General on violence against women migrant workers (E/1996/71). The General Assembly at its fifty-first session had before it a report of the Secretary-General on the same subject (A/51/325) and a report of the Secretary-General on the traffic in women and girls (A/51/309).

5. In paragraph 9 of resolution 51/65, the General Assembly requested the United Nations High Commissioner for Human Rights, the Centre for Human Rights of the Secretariat and the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women, to give particular attention to the issue of violence perpetrated against women migrant workers and requested the Secretary-General to report to it at its fifty-second session on the implementation of that resolution.

6. In its resolution 51/66, the General Assembly welcomed the consideration given to the problem of trafficking in women and girls by the Commission on Crime Prevention and Criminal Justice and invited the Commission to continue to consider appropriate measures to address that issue. In the same resolution, it welcomed the decision of the Economic and Social Council to devote its coordination segment in 1997 to mainstreaming a gender perspective.

I. RESULTS OF THE CONSULTATIONS ON THE DRAFT PRACTICAL MEASURES, STRATEGIES AND ACTIVITIES IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

7. Views and observations on the draft measures, strategies and activities were received from the following Governments: Argentina, Australia, Austria, Brazil, Colombia, Cuba, Cyprus, Finland, Greece, Guatemala, Iran (Islamic Republic of), Japan, Kyrgyzstan, Mexico, Morocco, New Zealand, Panama, Philippines, Spain and Turkey. Views and observations were also provided by the following entities of the United Nations system and institutes of the Programme network: the Department for Policy Coordination and Sustainable Development of the Secretariat, the United Nations Children's Fund (UNICEF), the United Nations Volunteers programme of the United Nations Development Programme, the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the World Bank, the African Institute for the Prevention of Crime and the Treatment of Offenders and the Naif Arab Academy for Security Studies. The following intergovernmental organizations also sent their views and observations on the subjects of the Caribbean Community, the Commonwealth Secretariat and the Council of Europe. The following non-governmental organizations also sent their views and observations: International Bar Association, International Federation Terre des Hommes, Inter-Parliamentary Union, Movement against Racism and for Friendship among Peoples and Pax Romana (International Catholic Movement for International and Cultural Affairs) (International Movement of Catholic Students).

A. Overview of observations and views received by the Secretary-General

1. Governments

8. A number of Governments had already taken practical measures, strategies and activities in the field of crime prevention and criminal justice to eliminate violence against women.

9. The Government of Argentina indicated the laws were in effect in that country to protect women against violence. Research was being carried out, particularly by the University of Buenos Aires, on the subject and there were proposals for incorporating into the text of laws provisions relating, for example, to the use of information from emergency and other services in the investigative and prosecutorial phases, the re-education of violent persons and the regulation of the media with a view to its conveying messages denouncing violence.

10. Australia submitted a number of proposals for inclusion in the measures; they dealt with firearms control, criminal law and procedure, gender mainstreaming, drug trafficking, victim support, public information, research, prevention, regional cooperation and community participation.

11. Austria reported on its 1996 Federal Law for Protection against Violence in the Family, aimed at helping victims of violence, including through police and judicial measures. It conferred powers to remove from their residences persons likely to assault other residents and provided for protective "intervention centres", offering counselling on legal rights, including personal security plans for victims and anti-violence training for aggressors. The law also entitled victims of sexual abuse to compensation for non-material damage and emotional stress.

12. Brazil reported that, since 1985, it had created several police offices, run by female police officers, to deal with violence against women. Recent government initiatives regarding violence against women included the provision of shelters for battered women and their children.

13. Colombia, a signatory to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem to Para),[1] reported the establishment of a group to study and propose measures to prevent violent crime and impunity perpetrated against women, including trafficking in and prostitution of women.

14. Cuba recommended that consideration should be given to the dissemination of information regarding domestic violence to safeguard against entrapment and promote the empowerment of victims. It also recommended that priority should be given to enabling women to achieve financial independence, paying special attention to the fact that poverty particularly affected females and constituted the most widespread "act of violence" against women. Furthermore, consideration should be given to recognizing that economic sanctions imposed by more powerful States on less powerful States represented acts of violence against women that violated human rights, as such sanctions had a serious impact on nutrition and health and thus on the life of the populations of the less powerful States, particularly women and children of those States. Governments should undertake a non-sexist revision of existing laws and procedures and regulations.

15. Cyprus reported that its legislation for the advancement of women had moved forward at great speed since 1985 and that all provisions discriminating against women had been eliminated. There had been increasing sensitivity about the phenomenon of violence, particularly violence against women and children, and an increasing realization of the need to take further legal and political measures for its prevention. A new law on the prevention of violence in the family and the protection of victims had been enacted in 1994 to remedy weaknesses of pre-existing judicial and administrative procedures for providing greater support to victims. The new law increased the penalties for the offence of violence, granted probation on condition of undergoing therapeutic treatment, encouraged speedy trials in such cases (because of the risk that judicial delay posed for victims) and allowed for the issuance of prohibition orders so that the accused could not enter or reside in their homes.

16. Finland reported on a government bill that would come into force in 1997 on the reform of the criminal procedure in courts of first instance. According to the bill, a court could order a "support person" financed by the State to assist a plaintiff of a lawsuit concerning crimes of violence. A proposal for another bill, concerning denial of the right of approaching the victim, was being elaborated. The bills were meant to be applied in situations in which disturbance or threat appeared and which were not covered by the provisions of the Police Act. According to the Police Act, it was possible to remove a person who, on the basis of violent or threatening behaviour, would probably commit an offence against life, health, freedom or inviolability of domicile or property. Police could remove an individual from an area protected by the inviolability of domicile when that person constituted a threat to other residents. There was a plan to begin the elaboration of provisions concerning the protection of witnesses, in the context of Economic and Social Council resolution 1996/12.

17. The Government of Greece provided a summary report on the functions of criminal law and gender equality, legal protection under the law, female criminality, female detainees and the correctional system in that country.

18. Guatemala provided information on its protective and equality-seeking legislation and proposed a number of suggestions for inclusion in the measures, pointing to the need for reform in the collection and use of evidence for the purpose of bringing charges against and prosecuting perpetrators. Medical assessments other than those of the forensic medical examiner should be made admissible and corresponding evidentiary procedures should be employed.

19. The Islamic Republic of Iran made specific proposals for inclusion in the measures, in particular proposals against degrading stereotypic depictions of women and gender relations in the media and discriminatory exploitative practice and contemporary forms of slavery to which females were subjected, in violation of their rights and in abrogation of their dignity as human beings. Particular mention was made of pornography and prostitution.

20. Japan felt that provisions of the measures conflicted with its existing criminal law and procedure. It noted that it was not feasible to recommend any legislation, whether substantive or procedural, which would apply only to violence against women and which would differ from legislation applying to violence against men. As such legislation contradicted the principle of "equality under the law", the Government of Japan could not support it. Furthermore, the Government of Japan was basically not in favour of the adoption of the present draft at the current stage. It proposed a number of textual amendments. It also recommended a number of revisions to the measures, including the deletion and replacement of words and phrases from the draft plan of action that had been made available to the Commission on Crime Prevention and Criminal Justice at its fifth session. It also proposed the deletion of the reference to the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104).

21. Kyrgyzstan stated that it had adopted a national programme to solve gender-related problems by addressing all priority objectives of the Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995.[2] It had focused on issues such as human rights, violence, poverty, education and training, the environment and the girl child. Women's rights and interests were protected by law under the constitution and the labour code.

22. Mexico made proposals concerning specific mention of illegal migrants and compared the provisions of the draft plan of action with those contained in the report of the Secretary-General on practical measures (E/CN.15/l996/12 and Corr.1).

23. Morocco expressed the view that provisions of the measures should not enter into family relations, responsibilities, roles, the balance of power or questions of economic independence. Gender discrimination was prohibited by law in the political, economic and educational spheres.

24. New Zealand made a number of specific comments regarding the text of the measures, relating, for example, to fair trial for the accused, legal aid for female victims and firearms control.

25. Panama recommended the creation of bodies and networks to focus attention on victims of violence, as well as the promotion of national plans, a component of which should be intergovernmental action and national and international monitoring, evaluation and follow-up of prescribed measures.

26. The Philippines reported that an alarming rise of cases of violence against women had necessitated the implementation of practical measures, strategies and activities to eliminate the situations contributing to their incidence. It transmitted the recommendations of the expert group meeting on violence against women migrant workers, held at Manila from 27 to 31 May 1996, aimed at, *inter alia*, improving the coordination of efforts to combat violence against women migrant workers (A/51/325, annex), including specific forms of action to be taken by Governments and other relevant entities at various levels.

27. Spain reported that all forms of violence against women were proscribed legislatively. That included all violent acts against female victims that resulted in, or could result in, physical, sexual or psychological harm or suffering to women, as well as threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. Women enjoyed impartial treatment within the criminal justice system. Policies had been encouraged and information material disseminated to promote the safety and security of

women, in the home and in society at large. Gender equality was fully guaranteed in all policies and programmes formulated and applied. Acts of violence against women, occurring in public or private life, could be investigated and prosecuted. A service for battered women was being established. Action was under way to introduce procedures to prevent the degradation of female victims and minimize the intrusive aspects of investigations in cases involving sexual assault, battery or abuse.

28. Turkey stated that violence against women impaired women's enjoyment of their human rights and fundamental freedoms and constituted an obstacle to the achievement of the objective of gender equality.

2. United Nations entities and associate entities

29. The Department for Policy Coordination and Sustainable Development reported that prevention and resolution of conflicts and the promotion of respect for human rights and fundamental freedoms had been the basis for its work through the Office of the Special Coordinator for Africa and Least Developed Countries and for the operational activities that evolved from that work. Within its advocacy mandate, the Office could contribute through problem-oriented workshops towards progress in the areas of provision of information, education, and prevention for sustainable development. It could bring into play its network of non-governmental organizations involved in conflict prevention, resolution, promotion of democracy and protection of human rights.

30. UNICEF, while promoting the equal rights of women and girls and their full participation in political, social and economic development, sought to support concrete action to eliminate violence against women and girls. It suggested that the issue of violence against girls should be stated more prominently throughout the text of the measures and, furthermore, that a set of measures similar to those for women were needed to address the problem. It raised the issues of female genital mutilation; child pornography and incest; child labour; and sexual exploitation, discrimination, survival and development. It also mentioned the abolition of traditional practices that were prejudicial to the health of children. UNICEF also underlined the central importance of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), which guided the work of UNICEF. Preventive measures needed to be designed and integrated in all polices, procedures and systems, as well as the raising of public awareness. Appropriate information material should be developed to serve as instruction for females on using recourse available in their communities for combating violence and as an outreach for males at the community level.

31. The United Nations Volunteers provided examples of its relevant national and international work that was being undertaken in Botswana, Burundi, Cambodia, Guatemala, Haiti and Rwanda, as well as in the former republics of Yugoslavia. In recent years, the United Nations Volunteers had seen an increase in volunteer contributions for promoting and raising awareness of women's rights, strengthening women's groups and in mobilizing community and grass-roots action. The feedback that had been received indicated that there was great scope for further expansion and innovation of the roles of volunteers in supporting existing structures and emerging initiatives in prevention. It was important to build future interventions and support, to the extent possible, on the already existing and often delicate initiatives.

32. UNEP was concerned about women's general entitlement to a healthy environment and their being subjected to unhealthy or unsafe environmental conditions. It attempted to improve the status of women by a variety of means, including the following co-sponsorship of a programme on land rights and access thereto during the United Nations Conference on Human Settlements (Habitat II), held at Istanbul from 3 to 14 June 1996; encouragement in the use of women professionals as experts; and incorporation of wider considerations into UNEP project planning/implementation and coordination with national women groups concerned with environmental issues during the implementation of UNEP technical assistance activities.

33. UNHCR reported that, as part of its mandate to provide international protection and assistance to and find durable solutions for refugees, it was taking on the task of assisting and protecting certain groups of internally displaced persons. UNHCR was pleased to note that the draft measures identified refugee women, repatriated women, displaced women and women in situations of armed conflict as being particularly vulnerable to violence, a point that had been confirmed by its own experience. UNHCR had taken various initiatives to address the problem of violence against women in those categories and had issued reports and publications on the Guidelines on the Protection of Refugee Women and the Guidelines on the Prevention of and Response to Sexual Violence against Refugees (EC/SCP/67, annex). UNHCR made a number of proposals for inclusion in the measures, regarding the plight of female refugees, including female refugees in detention for immigration purposes. It stressed that legal aid must not exclude refugee women.

34. INSTRAW reported on the following relevant activities in which it was involved in 1996: the round table on women and human settlements in conflict zones, which dealt with the violation of human rights of women in situations of armed conflict and which was organized by the United Nations Centre for Human Settlements (Habitat) and INSTRAW at Habitat II at Istanbul in June 1996; an expert group meeting on political decision-making and conflict resolution; the impact of gender difference, organized by the Division for the Advancement of Women of the Secretariat and the International Peace Research Institute at Oslo in October 1996, in cooperation with INSTRAW and UNESCO; and the Latin American and Caribbean regional meeting on trafficking in women and migration: prostitution, domestic work and marriage, held at Santo Domingo in December 1996.

35. UNICRI provided several specific proposals for incorporation in the text, relating to criminal law and procedure, the police, and female victims from countries where basic human rights were not guaranteed.

36. FAO was concerned with violence against women, particularly relating to property rights. Special attention was being given to the plight of rural women who faced increasing poverty and food insecurity, attributed, in part, to their limited access to and control over productive resources such as land, water, labour and technology. They also had less access to agricultural services and markets, had failed to benefit from innovations and support systems and had limited participation in decision-making processes oriented towards enhancing agricultural productivity, rural development and improving the quality of life of rural dwellers.

37. UNESCO was tackling violence against women through formal and non-formal education and educational methods and material. It was cooperating with its member States, supporting institutions and working with non-governmental organizations and grass-roots organizations to strengthen preventive action against trafficking in women, female prostitution, including in migration-related situations, and sexual exploitation. The UNESCO General Conference at its twenty-eighth session had adopted six resolutions outlining the scope of the work of UNESCO on gender-related issues, three of which dealt directly with violence against women: resolution 1.13, on the elimination of discriminating stereotypes of women; resolution 5.15, on woman's contribution to a culture of peace; and resolution 20.5, on the revision of the basic texts of UNESCO for the purpose of removing all sexist language and to ensure the use of neutral terminology and wording.[3] UNESCO would prepare a report on existing norms and standards and ongoing normative policy efforts regarding trafficking in women and violence and would develop options for preventive responses to trafficking in women and child prostitution. Guidelines and training would be developed and would provide women in crisis situations with literacy training, skills in conflict resolution, income-generating skills and family care counselling, in response to gender-based violence.

38. WHO had in 1995 initiated work in the area of violence against women (physical, mental and sexual violence). It had developed an initiative focused on the role of the health sector in prevention and consequence management. Priority areas were violence against women by partners, rape and sexual abuse. Some activities on violence against women in conflict situations were being undertaken. The long-term aim of WHO activities

in that area was to identify effective strategies to prevent violence and decrease morbidity and mortality among female victims of abuse. The objectives were as follows: to increase knowledge of the magnitude of the problem and its health consequences and to disseminate it among policy makers, health providers and programme planners; to identify prevention and intervention strategies that could reduce prevalence/incidence of violence by intimate partners; to improve the capacity of health workers at all levels to identify and respond appropriately to victims of physical and sexual abuse; to support the formulation by Governments of adequate polices and protocols to address the issue; and to serve as an advocate for greater recognition of violence against women and its implications for health policies and programmes, including reproductive health, injury control, mental health, substance abuse and prevention of the human immunodeficiency virus (HIV) and acquired immunodeficiency virus (AIDS).

39. The World Bank endorsed the measures as an important and timely initiative. Like many other international development agencies, the World Bank had become aware of the magnitude and seriousness of violence against women. In a World Bank discussion paper published in 1994,[4] violence against women was regarded as a hidden health burden. The paper focused on many of the issues raised by the measures and examined the broader developmental impact of violence against women in terms of social development, maternal health, family planning, sexually transmitted diseases and the impact on children of violence against women. Several World Bank studies on urban violence were assessing the direct economic impact of violence against women in terms of, for example, geographical mobility and ability to operate an enterprise.

40. The African Institute for the Prevention of Crime and the Treatment of Offenders had organized a number of training activities relating to violence against women. The Institute would continue to utilize its biannual newsletter to publicize information regarding events and activities undertaken in African countries and would continue to conduct research and maintain contacts with equality-seeking organizations.

41. The Naif Arab Academy for Security Studies emphasized that there was no gender discrimination in Islam. The Academy expressed its support for and agreement with the draft measures even though they affected some traditional practices in some Arab States. The Academy could not, however, agree with a preambular paragraph of Economic and Social Council resolution 1996/12 in which the Council bore in mind that, as stated in article 4 of the Declaration on the Elimination of Violence against Women, States should not invoke any religious consideration to avoid their obligations with respect to the elimination of violence against women.

3. Intergovernmental organizations

42. The Caribbean Community was of the view that the term gender mainstreaming should be elaborated upon, so that gender issues relevant to human rights and sustainable development could be incorporated.

43. The Commonwealth Secretariat had identified the elimination of violence against women as one of the priority areas of action within the Commonwealth Plan of Action on Gender and Development. In November 1996, the fifth Meeting of Commonwealth Ministers Responsible for Women's Affairs, held in Trinidad and Tobago, had discussed practical strategies for combating violence against women in terms of promoting and protecting the human rights of women. In April 1996, the Commonwealth Law Ministers' Meeting held at Kuala Lumpur had supported a comprehensive review of the criminal justice system for that purpose. The Commonwealth Secretariat provided assistance to Governments wishing to develop appropriate and effective laws on the matter. It supported the gender-mainstreaming approach, the central strategy of the Commonwealth Plan of Action on Gender and Development. It was developing a Commonwealth model for an integrated approach to the elimination of violence against women that would incorporate many of the measures contained in the draft measures.

44. The Council of Europe reported that it had been concerned with violence against women for several years. The third European Ministerial Conference on Equality between Women and Men, held in 1993, had dealt with strategies for the elimination of violence against women in society: media and other means. It also had adopted the Declaration on Policies for Combating Violence against Women in a Democratic Europe, which contained an outline of a plan of action to combat violence against women. A group of specialists under the auspices of the Council's Steering Committee for Equality between Women and Men was working on the outline of the plan of action, which was due to be completed in 1997 and would take into account the legislation, judicial and police aspects, prevention and education, and assistance for victims and perpetrators of violence.

4. Non-governmental organizations

45. The Inter-Parliamentary Union had been working towards preventing children from becoming victims of sexual exploitation. In line with United Nations work against contemporary forms of slavery, it aimed to promote public awareness of the extreme forms of discrimination suffered by women, particularly in conflict situations, and to prepare and disseminate studies on cases of violence against women, including prostitution. In 1996, "organized violence against women", "promoting greater respect and protection of human rights in general and in particular for women and children" and "policies to put an end to violence against children and women" were subjects of discussion at its meetings including the 96th Inter-Parliamentary Conference, held at Beijing from 16 to 21 September 1996. On those occasions, parliamentarians expressed their continued strong interest in the elimination of violence against women.

46. The Movement against Racism and for Friendship among Peoples urged consideration of protection of the rights of migrant workers and their families, in the context of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly 45/158, annex). Pax Romana provided specific proposals for inclusion in the draft measures.

47. The International Federation Terre des Hommes provided a preliminary study on sexual violence, abuse and exploitation of children affected by armed conflict, prepared for (a) the NGO Group for the Convention on the Rights of the Child, (b) Graça Machel, the expert appointed by the Secretary-General to prepare a study on the impact of armed conflict on children, pursuant to General Assembly resolution 48/157, and (c) the World Congress against Commercial Sexual Exploitation of Children held at Stockholm from 27 to 31 August 1996. The International Bar Association, provided information regarding some of the proposals establishing penalties for international trafficking in children.

B. Preliminary assessment

48. Action on the part of the Commission to combat violence against women from a crime prevention and criminal justice perspective was highly welcomed. It was felt that the draft measures would make a decisive contribution to the elimination of discriminatory illegal treatment of women and girls. Support was expressed for the direction, approach, focus and content of the draft measures and for seeking an interdisciplinary solution. It was also felt that the document was comprehensive and would serve as a useful guide for Governments and criminal justice system operators. Technical assistance was considered essential in that regard.

49. Concern was expressed by Governments (Australia, Japan, Morocco and Turkey) about the appearance that the draft measures might discriminate in favour of females and against males and that certain rights were being accorded to female victims only. It was important that the measures should in no way be construed as prejudicing the fundamental principle of gender equality before the law, equal protection under the law and fair access to justice or as counteracting efforts to advance the legal status and standing of women. It was also felt that the insertion term "appropriate" throughout the text was insufficient to address the concern of proposing measures within the context of existing law, procedure and evidentiary rules.

50. Issue was taken with the use of the term "elimination" of violence against women (Austria) in the context of the draft measures. It was felt that the measures, could not singly or taken together, could not "eliminate" the phenomenon but could merely contribute to the reduction of and upgraded response to its incidence (New Zealand).

51. The concepts and operational definition of "gender mainstreaming" might be expanded and specific examples as to how it might be achieved in the context of criminal law, procedure and policy were suggested. Provisions regarding the concerns of homicide victims should be expanded (Australia).

52. It was felt that greater weight should be given to drug trafficking and to gun control. Additional provisions might be made in the relevant sections which would make clear the interlinkages with violence against women and would be of considerable deterrent value (Australia and New Zealand).

53. It was felt that certain measures had to be strengthened that concerned the direct testimony of female victims, including, where the female victim was a victim of homicide, testimony that represented her defence (e.g. victim impact statement). That was necessary as females constituted a class of victims for whom evidence and testimony were discredited, thereby seriously impeding the successful prosecution, conviction and sanctioning of offenders, as well as the reporting of and response to such acts of violence as a criminal offence. It was also important to safeguard the security and safety of the victims (Australia).

54. It was noted that if the draft measures were to have any real discernible impact on eliminating violence against women, then they needed to be prescriptive rather than descriptive of existing measures and systems, given the gravity and incidence of the criminality, the type and level of response to it and the nature of the reform needed to ameliorate the situation (Australia).

55. The draft measures elicited the interest of several United Nations entities, in terms of the multidisciplinary action required for the prevention of violence against women. Proposals were suggested to represent programmatic concerns in the various fields. In the context of the United Nations policy on the integration of gender mainstreaming in the various programmes, the United Nations entities reported on their activities, providing specific proposals for the incorporation in the draft measures of issues in their fields of activity. They supported the measures being proposed and expressed a commitment to collaborating with the organizations concerned to use the measures to eliminate violence against women. The measures provided ample scope and opportunity to forge such multidisciplinary collaboration in the various programmes and fields of activity (health, education, poverty, environment, sustainable development, children, women, refugee rights).

56. It was felt that greater emphasis needed to be placed on violence against women in situations involving refugees and migrants and in acts and processes related to trafficking, labour and exploitation, prostitution, pornography, sex trade and the like, all of which fell within the scope and definition of "violence against women", and that the measures being proposed were of concern to both women and the girl child. A separate provision encompassing those concerns was suggested for inclusion in the text (UNICEF, UNHCR, UNESCO and Pax Romana).

57. It was recommended that the United Nations instruments and standards relevant to women and girls should be cited as part of the frame of reference of the measures at the outset (Columbia, Cyprus and Panama; UNICEF and UNESCO). In particular, the Convention on the Elimination of all Forms of Discrimination against Women (General Assembly resolution 34/180, annex) and the Convention on the Rights of the Child (General Assembly 44/25, annex) should be part of the scope, framework and context for the elimination of violence against women and the girl child. Furthermore, explicit mention should be made of the girl child and problems particular to the girl child should be given more prominence (UNICEF).

58. Both general views and specific comments were taken duly into account in the preparing of the text of the revised draft measures that are being proposed. Restraint was exercised, however, in incorporating proposals that appeared to be contradictory to, represented radical departures from or ran counter to basic principles in the text reviewed by the Commission at its fifth session.

II. CONCLUSION AND PROPOSED COURSE OF ACTION TO BE TAKEN BY THE COMMISSION

59. The Commission is invited to consider, through its open-ended inter-sessional working group, the revised draft measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women (see annex), with a view to adopting them.

60. The Commission is also invited to focus its attention on ways and means of implementing the measures with the assistance and support of the Secretariat. Existing initiatives should be strengthened and new ones developed at the national level, as well as activities of a regional and international nature.

61. In taking action on the revised draft measures, the Commission may wish to take due account of the various partner agencies within the United Nations system that are involved in system-wide initiatives to implement the Platform for Action,[2] which includes components on violence against women in its strategic objectives.

62. To assist the Economic and Social Council in its coordinating function, the relevant functional commissions, within their fields of competence, might be invited to participate in system-wide follow-up activities, once the measures have been adopted. To that end, the Commission may wish to recommend that the Council, at its high-level segment of 1999, should devote attention to achieving a consolidated, inter-programme approach to eliminating violence against women.

63. It might be desirable to develop a strategic plan that would outline the nature and extent of individual, joint or complementary activities to ensure proper follow-up, representing the integration of various fields of United Nations action and programme activities to be undertaken system-wide. That would serve to render the necessary multidisciplinary support and assistance to Governments with respect to this issue, in a coordinated, integrated and complementary manner, as a comprehensive, harmonized response of the Organization. That would help to ensure that the measures, once adopted, would effectively serve as a model for Governments and their criminal justice system operators. The multidisciplinary and cross-sectoral approach suggested in the measures could then be translated into concrete action by all parties concerned.

64. Special regard would be given to the expressed organizational positions, concerns and interests of the United Nations specialized agencies in the various programme areas, fields of activity and disciplines. Such a plan of implementation would, *inter alia*, foster partnership within the United Nations system and would involve to the extent possible the specialized agencies in undertaking mutually supportive action based on or relating to the measures. Such action would have to be well developed in the plan so as to forge a "united front" and single-mindedness of approach. Once that is achieved, mechanisms for outreach, outside the United Nations system and in various fields and disciplines, could be further developed.

65. Furthermore, as the Commission is invited to express its views on possible measures to be taken against trafficking in women and children and against violence against female migrants, *inter alia*, for inclusion in the reports of the Secretary-General to the General Assembly at its fifty-second session, in pursuance of General Assembly resolutions 51/65 and 51/66.

Notes

[1]*International Legal Materials*, vol. 33, No. 6 (1994).

[2]*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II.

[3]United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-eighth Session, Paris, 25 October to 16 November 1995; Volume 1: Resolutions* (Paris, 1995).

[4]Lori L. Heise, Jacqueline Pitanguy and Adrienne Germain, *Violence against Women: The Hidden Health Burden*, World Bank Discussion Paper 255 (1994).

Annex

REVISED DRAFT PRACTICAL MEASURES, STRATEGIES AND ACTIVITIES IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN*

INTRODUCTION

1. The General Assembly, in its resolution 48/104 of 20 December 1993, proclaimed the Declaration on the Elimination of Violence against Women and recognized the following:

> "Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

2. The General Assembly also recognized the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings and noted that those rights and principles were enshrined in international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[a] which could contribute to the elimination of violence against women.

3. The Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, states that:

> "Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. ... In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women."[b]

4. The Practical Measures, Strategies and Activities in the Field of Crime Prevention and Criminal Justice for the Elimination of Violence against Women are designed to bring about reform in order to upgrade and ensure the appropriate "fair-treatment" response on the part of criminal justice systems to all forms of violence perpetrated against women and the girl child. The Measures, Strategies and Activities cover the components and elements of criminal justice operations, including prevention, in terms of research, the role of the media, education, the dissemination of information, the raising of public awareness and outreach.

5. The Measures, Strategies and Activities serve as a guide for, and are therefore primarily addressed to, Governments and the agencies and operatives of their criminal justice systems and call for preventive, enforcement and other remedial action. They elicit the assistance and, to the extent possible, the partnership of the United Nations, other intergovernmental organizations concerned and interested non-governmental

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*Amendments made on the basis of proposals are underlined in the text.

organizations, agencies, research, scientific and other institutions, the media, groups and individuals, maximizing volunteerism at all levels and with a view to reaching an interdisciplinary solution.

6. The Measures, Strategies and Activities apply to female victims of gender-targeted acts of violence, defined as criminal and treated as such by criminal law, procedure and evidentiary rules and in terms of corresponding policies. They are not meant to accord preferential status to female victims or to accord rights to female victims that are not accorded to male victims under the law. They do not prejudice the principle or application of measures to achieve gender equality before the law, recognized as a fundamental legal principle [Australia, Japan, Morocco, Turkey].

I. FRAMEWORK AND SCOPE

7. The term and definition of "violence against women" as used and applied in these Measures, Strategies and Activities are understood to mean "violence against women" as defined in the Declaration on the Elimination of Violence against Women (articles 1 and 2) and as reaffirmed and extended in the Platform for Action.[c]

8. According to article 1 of the Declaration, "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

9. "Violence against women" is defined in article 2 of the Declaration as including, but not being limited to, the following:

> "(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
>
> "(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
>
> "(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

10. In addition to this definition, the Platform for Action includes the violation of the human rights of women in situations of armed conflict,* in particular, murder, systematic rape, sexual slavery and forced pregnancy; and forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.[c]

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*In the former republics of Yugoslavia, gross violations of human rights and policies of ethnic cleansing in war-torn and occupied areas created a mass flow of refugees and displaced persons, the majority of whom were women and girls (see *Report of the Fourth World Conference on Women (Beijing, 4-15 September 1995)* (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II, paras. 133-134); General Assembly resolutions 3074 (XXVIII) of 3 December 1973, 48/143 of 20 December 1993, 49/205 of 23 December 1994 and 50/192 of 22 December 1995; Security Council resolution 798 (1992) of 18 December 1992; and the final report of the commission of experts established pursuant to Security Council resolution 780 (1992) (S/1994/674, annex).

11. The Platform for Action further identifies the following categories of women especially vulnerable to violence and in need of special legal protection and preventive action: women belonging to minority groups; indigenous women; refugee women; women migrants, including women migrant workers; women in poverty living in rural or remote communities; destitute women; women in institutions or in detention; female children; women with disabilities; elderly women; displaced women; repatriated women; women living in poverty; and women in situations of armed conflict,* foreign occupation, wars of aggression, civil wars and terrorism, including hostage-taking.[c]

12. The Platform for Action considers all acts or threats of violence against women, whether occurring within the home or in the community, or perpetrated or condoned by the State, to be obstacles to the achievement of equality.[b]

13. Within the sphere of competence, and from the specialized perspective, of crime prevention and criminal justice, these Measures, Strategies and Activities implement and build upon the strategic objectives (D.1-3) of the Platform for Action in respect of one of its priority areas of concern, violence against women, and upon its strategic objectives (L.1-9) in respect of another of its priority areas of concern, the girl child.[d]

14. These Measures, Strategies and Activities apply to females of all ages, both to women and to the girl child.

15. These Measures, Strategies and Activities should be applied without prejudice to existing international instruments regarding violence against women. Their application should be construed consistent with the objective of achieving gender equality, equal protection and fair access to justice.** They are thus to be applied also in the context of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child[e] [Colombia, Cyprus and Panama; UNICEF and UNESCO].

II. SUBSTANTIVE AND PROCEDURAL ELEMENTS OF ADEQUATE RESPONSE MEASURES BY STATES AND THEIR CRIMINAL JUSTICE SYSTEMS, OPERATIONS AND PROCESSES

A. Policy, decision-making, leadership and reform

16. Measures relating to policy, decision-making, leadership and reform should be taken, as appropriate, which:

(a) Provide for "gender mainstreaming" in order that the issues of concern to women are integrated in all policies, procedures, regulations and measures that address violence against women in the context of the administration, management and operations of the criminal justice system [Japan] and in political decision-making [INSTRAW and UNESCO];

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*The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and the Additional Protocols of 1977 (United Nations, *Treaty Series*, vol. 75, No. 973), provide that women should especially be protected against any attack on their honour, in particular, against humiliating and degrading treatment, rape, forced prostitution or any form of indecent assault. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held at Vienna from 14-25 June 1993, states that "violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law" (*Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I), chap. III, sect. II, para. 38)).

**The convention on the Elimination of All Forms of Discrimination against Women, in article 4, paragraph 1, specifies that special measures aimed at accelerating de facto equality between men and women should not be considered discrimination and should in no way entail as a consequence the maintenance of unequal or separate standards.

(b) Periodically review and enact the requisite criminal law provisions, procedures, rules of evidence and sanctions to ensure their value and effectiveness in eliminating violence against women in all its forms wherever it occurs;

(c) Develop and enforce codes of conduct for all practitioners involved in any capacity with criminal justice processes and aim at improving their action so as to promote justice and equality and empowerment of women and to remove gender bias and discrimination;

(d) Develop and utilize protocols which stipulate policy and model procedures to be pursued by the police, prosecution, the judiciary and corrections in regard to victims' rights, support and service delivery;

(e) Provide for the consistent enforcement of the applicable provisions of criminal law and procedures in such a way that all criminal acts of violence against women are regarded and responded to accordingly by the criminal justice system across sectors;

(f) Recruit greater numbers of specialized practitioners, ensuring more balanced gender ratios, including women from minority and indigenous populations, across sectors, in operational and managerial positions, affording equal opportunities in recruitment, training, advancement and career development prospects and power-sharing and decision-making within the criminal justice system;

(g) Establish a multidisciplinary bureau and/or committee at the national level to oversee action of government agencies in terms of gender mainstreaming and establish a law reform mechanism to develop responsive legislation and policy [Australia and Colombia].

B. Criminal law and procedure and other legal provisions

17. Measures relating to criminal law and procedure and other legal provisions should be taken, as appropriate, which:

(a) Review and, accordingly, rescind and, in the absence of adequate, non-discriminatory, criminal codes, law and procedure, adopt penal sanctions and evidentiary rules to prohibit, define as criminal, adequately penalize and deter and eventually eliminate all acts of violence against women, as defined above in the Declaration on the Elimination of Violence against Women and the Platform for Action;

(b) Prohibit by criminal law all acts of violence against women, including, as applicable, threats or coercion, wherever they occur, in the workplace, in the home, in schools and other institutions, in society and elsewhere, and irrespective of the perpetrator or his relationship with the female victim;

(c) Remove all legal provisions and texts which allow for or condone acts or practices that directly or indirectly subject women to violence and other forms of degrading or humiliating treatment or punishment, irrespective of the familial or social relationship of the persons involved;

(d) With a view to making available gender-free legal literature, review and revise all gender discriminatory language from legal codes, texts and other materials used by the criminal justice system and its agencies [Iran (Islamic Republic of) and Panama; UNESCO];

(e) Place a ban on certain types of firearms and other weapons [Australia];

(f) Adopt specific prohibitive and regulatory law provisions regarding the acquisition, possession, storage in the domicile, sale and use of firearms;

(g) Provide by law for the surrender of weapons at the time of arrest, pending trial and upon conviction, and for the permanent suspension of licences or permits for firearms [Australia];

(h) Adopt specific prohibitive and regulatory law provisions regarding acts of abuse of, and trafficking in, narcotic drugs and psychotropic substances under international control;[f]

(i) Enact laws to ensure that the perpetrators of trafficking in persons and alien smuggling are brought to justice and penalized swiftly even when the offence is committed in another country or jurisdiction [Pax Romana];

(j) Review and reform provisions of civil and family law codes that might be inconsistent or conflict with, override or counteract legislative initiatives in criminal law, procedure and evidentiary rules to eliminate violence against females [WHO].

18. Appropriate measures relating to judicial proceedings, evidentiary rules and procedure should be taken:

(a) To ensure, in respect of female victims of criminal acts of violence:

(i) That female victims are encouraged and assisted in lodging and following through on formal complaints, that such action is facilitated and that they or other parties may initiate prosecution;

(ii) That female victims are entitled to testify as witnesses in all court proceedings that involve violence committed against them and, in the case of homicide of the abuser, that their concerns are represented therein and special attention is given to the self-defence principle [UNICRI];

(iii) That the testimony and evidence of female victims are admissible and are presented directly or, where that is not possible, via victim impact statements [Australia and New Zealand];

(iv) That safety risks are taken into account in decisions concerning non- or quasi-custodial sentences, the granting of bail, conditional release, parole or probation;

(v) That female victims are notified of any form of release of the perpetrator at any time after the perpetrator is arrested or taken into custody during official processes;

(vi) That female victims are entitled to and are provided access to legal aid, starting at the initial stages and continuing throughout justice processes;

(vii) That female victims are entitled to have accessible means of legal recourse and to seek restitution or compensation;

(viii) That the safety of the victim/witness is protected before, during and after criminal proceedings, through victim/witness protection programmes, including police escort, access to a police hotline and the possibility for regular visitation by social workers and allowing change of victim identify and residence, especially in cases of organized crime [Pax Romana];

(b) To repeal legal requirements and policies that infer that the testimony of female victims is, in general, unreliable or untruthful [Australia];

(c) To provide female victims with access to legal aid and support, information on their rights, legal provisions, representation and available services [Australia; UNICRI];

(d) To review and consider enabling the admissibility in court proceedings of testimony and other evidence of prior acts and patterns of violence, abuse, stalking, harassment and exploitation on the part of the perpetrator against the female victim and other victims;

(e) To empower the courts with the authority to issue expeditiously protection, restraining and custody orders including removal of the perpetrator from the domicile and prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to set penalties for violations thereof; and to empower the police to make arrests swiftly, including for violations of court orders, to enter premises and to confiscate weapons and other illegal material;

(f) In consideration of safety risks for the female victim, to strengthen the use and enforcement of court orders; and to establish a registration system or other means by which it may be determined whether court orders are in force and could be more effectively monitored and whether action on breaches thereof could be expeditiously taken [New Zealand];

(g) To provide that:

(i) Investigation, detection and burden of proof in evidence-gathering are not gender-biased and do not overburden the victim;

(ii) Rules of evidence and defences do not have an adverse impact on female victims and are not prejudicial to the case against the accused [Australia];

(iii) Judicial mechanisms and procedures are accessible and sensitive to the needs of the female victims and facilitate the prompt and fair processing of cases;

(iv) Victim assistance and counselling are appropriately provided throughout criminal justice processes [Japan];

(v) Specialized, preferably female, practitioners are employed to the extent possible in various capacities dealing with female victimization, especially in cases of sexual assault and abuse and official processes associated therewith;

(vi) Damages to a victim of crime are compensated by the offender [Japan];

(vii) All due process principles of a fair trial for the accused are applied [New Zealand];

(h) To make the necessary reforms:

(i) To review the role of the forensic examiner in determining harm and bringing forth evidence for conviction [Argentina; WHO];

(ii) To ensure the use and admissibility of medical evidence and testimony from medical authoritative sources other than forensic examiners, such as private attending physicians and those from emergency services and wards [Argentina, Colombia];

(i) To examine and make the necessary reforms to relax the nature of proof of injury and harm required in criminal law and procedure and under rules of evidence, particularly regarding criminal violence involving intimate partners [Colombia and Panama; WHO];

(j) To ensure that any available legal aid, support or assistance do not exclude female refugee victims of violence of all kinds [UNHCR].

C. Police

19. Measures relating to the police should be taken, as appropriate, which:

(a) Within the context of police procedures, including action on the arrest, on the detention and on the terms of any form of release of the perpetrator, should take into account the safety of the victim and other affected individuals and the prevention of further acts of violence;

(b) Empower the police to respond immediately to incidents of violence and to effect arrest; to prevent further violence, harassment, intimidation and coercion, including by removal of the abuser from the domicile, by virtute of arrest and/or restraining order, and to confiscate all firearms upon arrest of the perpetrator;

(c) Establish a fair and accessible police complaint process to hold police accountable for their action;

(d) Establish, where possible, specialized police units with well-trained officers, including well-trained female officers, competent to deal with the complexities and victim sensitivities involved in this type of criminality [Pax Romana];

(e) Establish multidisciplinary police and community advisory groups;

(f) Provide for the adoption of detection procedures and investigative techniques that avoid degrading female victims and minimize intrusion, particularly in cases of rape and other acts of sexual assault and abuse, while at the same time ensuring evidentiary quality;

(g) Revamp the system of police records, reporting and recording with a view to ascertaining more accessible information about the victim and the victimizing situation in addition to the crime scene [WHO];

(h) Ensure adequate training, sensitivity and education of the police in the relevant human rights instruments and standards that promote the rights of women and the girl child internationally [Pax Romana];

(i) Ensure training for police on appropriate interventions, including training that takes into account the risk for police officers intervening in domestic disputes [UNICRI].

D. Sentencing and corrections

20. Measures relating to sentencing and corrections should be taken, as appropriate, which:

(a) Assess sentencing policy, procedures and practices so as to eliminate violence against women, ensuring that:

(i) Offenders are held fully accountable for their acts;

(ii) Violent acts are halted;

(iii) Sanctions are imposed which are in proportion to the severity of the act and which are comparable to those for other violent crime;

(iv) The severity of the physical and psychological harm and the impact of the victimization are taken into account, including through victim impact statements;

(v) A full range of sentencing dispositions are considered to protect the female victim, other affected persons and society from further violence;

(vi) The sentencing judge can impose a sentence requiring mandatory re-socialization of the offender, during periods of incarceration and of any form of conditional release, that takes into account the overriding interest of the safety of the female victim and also results in the taking of responsibility and avoidance of future violent criminal conduct, through changes in behaviour [Australia];

(b) Eliminate violence against, exploitation of and abuse of women in detention/custody or in an institution; and monitor the situation of all female detainees;

(c) Employ, to the extent possible, female guards in any facility housing female detainees;

(d) In respect of female detainees:

(i) Separate female detainees from male detainees in all correctional facilities;

(ii) Provide adequate facilities, services, programmes and resources for their special needs and reintegration into society;

(iii) Apply special measures for maternity, and for females with children, including in-visitation and/or out-visitation;

(iv) Help families supported by female detainees utilizing, to the extent possible, local women's groups [Pax Romana];

(v) Where refugees or asylum seekers are detained for immigration purposes (which should be avoided as far as possible), separate such female detainees from those charged with or convicted of criminal offences and, in all such situations, from male detainees [UNHCR];

(vi) Where refugees and/or asylum seekers are in detention, provide for direct and unhindered access to the detainees to monitor their condition on an ongoing basis [UNHCR];

(e) Develop and evaluate various treatment programmes, rehabilitation designs and modalities for different types of offenders and offender profiles, court ordered as mandatory and optional treatment modalities [New Zealand].

E. Victim support, assistance, health and social services

21. Measures relating to victim support, assistance and services should be taken, as appropriate, which:

(a) Establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and children, for example, "one-stop centres", where all necessary assistance and services could be made available, including health care, crisis intervention, support, referral and counselling, in matters relating to the lodging of and follow-up to formal complaints, legal aid and court witness assistance, as well as personal protection, child care and earning a livelihood;

(b) Establish a toll-free information and health hotline and national centres and services and clearing-house facilities;

(c) Provide for mandatory professional training for health-care, social work and other practitioners to promote an adequate response to female victimization;

(d) Design and sponsor innovative programmes to caution against and prevent alcohol and substance abuse; and provide instruction on the dangers of firearms, directed at reducing the perpetration of violence against women;

(e) Establish better linkages between medical services, including private and emergency medical services, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence, particularly of a domestic nature;

(f) Make investigative procedures and the collection of evidence less humiliating, degrading and intrusive for females, as well as less stringent and rigorous in terms of the burden of proof, regardless of whether a stranger or an intimate partner is involved [Colombia and Panama; WHO];

(g) Provide for the dissemination of information on the assistance available to victims of violence [Islamic Republic of Iran];

(h) Facilitate the return of female victims of rape, prostitution or trafficking to the mainstream of social and economic life [Islamic Republic of Iran];

(i) Make available culturally sensitive and authoritative information and ensure appropriate treatment for all types of female victims to ensure that the needs of female refugee victims of violence are met, including appropriate traditional means of responding to incidents of sexual violence [UNHCR].

F. Criminological research and evaluation

22. Measures involving criminological research and evaluation should be taken, as appropriate, which:

(a) Provide for the gathering of data and other information on a gender-disaggregated basis for analysis and use in needs assessment and decision- and policy-making in crime prevention and criminal justice;

(b) Provide for the development of crime surveys on the nature and extent of violence against women;

(c) Evaluate the efficiency of the criminal justice system in addressing the needs of females subjected to violence;

(d) Provide for the monitoring, and issuance of annual reports on, the incidence of violence against women, arrest and clearance rates, prosecution and case disposition;

(e) Promote the advancement of knowledge and pursue gender-balanced research and studies and develop methodologies and evaluation techniques that will contribute to the elimination of violence against females, in particular regarding: its forms and dimensions; its causes and effects; the dynamics of domestic violence; the deterrent effects of various types of intervention; the design and effectiveness of rehabilitation modalities; the use of firearms; the influence of drugs and alcohol, particularly in cases of domestic violence; the incidence of criminal violence and morbidity and mortality rates [WHO]; relationships between victimization and perpetration of violence, including in times of war, warfare and armed conflict and "conflict zones"; and the

incidence of violence against trafficked females and female migrants [INSTRAW and International Federation Terre des Hommes];

(f) Advance knowledge on causation, on the magnitude of criminal violence and its impact on the female quality of life, on morbidity and mortality rates and on mental and physical injury and health, including reproduction, maternal functions, child-rearing and family life [WHO andWorld Bank];

(g) Devote more attention to the relationship between criminal violence and substance abuse, particularly in cases of domestic violence [Australia and New Zealand].

G. Preventive measures

23. Measures relating to prevention should be taken, as appropriate, which:

(a) Develop and implement a prevention plan and mechanisms to undertake coordinated prevention efforts between governmental, non-governmental organizations and local agencies;

(b) Promote, from a gender perspective, the security and safety of women, reducing the incidence and fear of gender-directed acts of criminal violence and therefore effecting injury control and enhancing the quality of life of women and the girl child [New Zealand; UNICEF and WHO];

(c) Eliminate all forms of discrimination against women and the girl child, affording gender equality in status and standing before and protections under the law [UNICEF];

(d) Target action to eliminate the gender-directed, instrumental use, labour exploitation, abuse and homicide of females, including stranger-to-stranger violence and violence involving intimate partners [UNICEF, UNESCO and WHO];

(e) Focus attention on child-related issues relevant to child survival and development and children's rights [UNICEF];

(f) Outlaw traditional practices that jeopardize life and compromise the health and safety of females [UNICEF];

(g) Develop relevant programmes to provide outreach to males conducive to the peaceful resolution of conflict, the management and control of anger and a gender-sensitive perspective about discriminatory and stereotypic perceptions and attitudes and violent physical and verbal communication and conduct in dealing with females [New Zealand; UNICEF and UNESCO];

(h) Afford equal rights and opportunities to women and promote economic independence, foster power-sharing and partnership in decision-making and responsibilities, including in family life;

(i) Refine physical and mental health policy, programmes and practices, including those involving reproductive health, injury control, substance abuse, prevention of the human immunodeficiency syndrome (HIV/acquired immunodeficiency syndrome (AIDS) and increased knowledge of the magnitude of the problem in terms of its health consequences [WHO];

(j) Make more prominent the hidden health burden of violence [World Bank];

(k) In the context of sustainable development, focus attention on extending safe, healthy and secure environments, habitat (human settlements) and living conditions, and a decent quality of life to offset marginalization and vulnerability and conditions conducive to violence, particularly in squalid and overcrowded conditions, environmental degradation and situations of poverty [Cuba; Department for Policy Coordination and Sustainable Development, UNEP, INSTRAW and FAO];

(l) Focus attention on female nutrition and food security [FAO];

(m) Focus attention on refugee- and migration-related situations of violence, abuse and exploitation [UNHCR, UNESCO and Pax Romana].

H. Preventive education

24. Measures relating to preventive education should be taken, as appropriate, which:

(a) Encourage all those concerned with education - educators, decision makers on educational policy and practice and administrators at all levels of the educational process - to undertake the following action so as to avoid fostering gender-discriminatory behaviour and attitudes conducive to female victimization, exploitation and abuse [Japan]:

(i) Promotion of exemplary, gender-balanced role models by educators and institutions;

(ii) Creation of the conditions of fairness and full and equal participation and gender-balanced interpersonal relations;

(iii) Inclusion of information about rights and responsibilities under the law, ethical conduct and international standards and norms;

(iv) Review and improvement of educational methods, programmes and content with a view to removing traditional prejudices, so that they do not propagate gender inequality and stereotypic gender roles and status, and emphasizing conflict resolution;

(v) Empowerment of females at an early age to realize, prevent, seek help regarding and respond to violence perpetrated against them or to which they are exposed;

(vi) Provision of a system of early warning, detection, referral and community networking for cases of violence;

(vii) Review and reform of all educational material and methods so as to eliminate gender-biased language, terminology, content and approaches to early learning and socialization [UNESCO];

(b) Encourage gender neutrality in interpersonal relations, conduct, communication and expression, including through conflict resolution, life skills management, coping mechanisms, rational decision-making processes and self-esteem, at an early developmental age in an educational setting and in family child-rearing (Cuba; UNICEF and UNESCO).

I. Public information, consciousness-raising and outreach concerning the plight of the female victim

25. Measures relating to public information, consciousness-raising and outreach concerning the plight of the female victim of violence should be taken, as appropriate, which:

(a) Develop and disseminate information on the different forms of violence against females, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(b) With regard to female victimization, its prevention, early warning signs and courses of action, establish a system or means of ensuring broad local and country-wide dissemination of various kinds of information and statistics; launch public information campaigns and education programmes that promote gender equality, that inform and raise awareness about and build up defences against violence against females and that are instructive about measures to eliminate such violence and about the availability of help and support facilities and services;

(c) As one form of outreach, set up special advisory centres for women who might be in trouble or in difficult or irregular situations, including those involved in drug abuse or illicit trafficking, those engaged in prostitution and pornography, runaways, street children, those who are homeless and those experiencing psychological difficulties or trauma;

(d) As a form of outreach, set up special centres where barterers or potential barterers may voluntarily seek help from programmes geared towards the control of anger, the management of violent expression and conflict resolution, as well as attitude modification about gender roles and relations;

(e) Involve media of communication in the regular transmission of messages and values that counter gender-directed criminal violence, make potential victims more aware, inform those victimized about assistance and keep the public more informed about the phenomenon of gender-directed violence, exploitation and abuse [Iran (Islamic Republic of) and Panama; UNESCO];

(f) Develop and make more accessible to female victims various forms of emergency services, staff and facilities, including both medical and para-medical, and police agencies and institutions; [Argentina];

(g) Make information that becomes available from incidents and reports accessible and readily available for evidentiary purposes [Argentina].

J. Media

26. Measures relating to the media should be taken, as appropriate, which involve:

(a) Inviting the media, media associations and regulatory bodies to consider measures to inform the public, raise public awareness, develop standards and guidelines and regulate the violence depicted;

(b) Encouraging the media to examine the impact of and regulate gender-stereotyping, including in advertisements which depict and propagate gender inequality, subordination and discrimination, and which foster violence, abuse, exploitation and maltreatment perpetrated against females with a view to contributing to the elimination of sexual exploitation, prostitution and pornographic depictions of females [Islamic Republic of Iran]; to correct the content and conveyance of gender-adverse messages; and to scrutinize and improve programming targeted at and viewed by children and adolescents;

(c) Encouraging the media to play a more constructive role by: projecting non-stereotypic images, gender roles, gender-role models and relations; presenting information about early warning signs, referrals and assistance; fostering public awareness and debate; and presenting prevention messages about violence against women;

(d) Informing the public about gender-adverse content and portrayals in various forms of print and visual media, so as to dispel gender-biased and foster gender-balanced notions and perceptions and to contribute to the reversal of traditional public acceptance and condonement of female subordination through violence and other means and to the rejection of violence in all its forms;

(e) Endeavouring to involve the media, as an active and concerned partner, in sensitizing and informing the public about the gravity and dangers of female exploitation, prostitution and pornographic depictions and to encourage the mass media, in all forms of modern telecommunication, to take action to prevent the dissemination of programmes conducive to such exploitation [Islamic Republic of Iran].

K. Community participation, equal rights and support groups and volunteerism

27. Measures relating to community participation, equal rights and support groups and volunteerism should be taken, as appropriate, which:

(a) Support local, community and grass-roots associations, institutions and initiatives, particularly voluntarism, involved in eliminating discrimination against women and demonstrable acts thereof such as violence;

(b) Support community service providers and street-level outreach initiatives;

(c) Facilitate the outreach initiatives and activities of organizations seeking to promote gender equality.

III. CONCERTED ACTION, COOPERATION AND MUTUAL ASSISTANCE AT THE REGIONAL AND INTERNATIONAL LEVELS [Japan];

A. Regional, subregional and interregional infrastructure

28. Measures concerned with regional, subregional and interregional infrastructure for cooperation and mutual assistance should be taken, as appropriate, which:

(a) Develop and pursue various forms of cooperation and collaboration, the transfer of knowledge and technology and the exchange of information, expertise and experiences;

(b) Develop and pursue innovative modes of mutual assistance in matters of transborder criminality involving the exploitation and instrumental use of females in organized prostitution, pornography, sex trade, trafficking in persons, labour exploitation and migrant smuggling [Mexico; Pax Romana, UNHCR, UNICEF, UNESCO];

(c) Develop modes of inter-State cooperation to prevent female victimization and bring to justice across jurisdictions perpetrators of violence and exploitation, in illegal and legal migration and refugee-related situations [UNHCR, UNICEF, UNESCO and Pax Romana];

(d) In cases of illegal migration, undertake joint problem-solving for cases involving deprivation of travel documents and determination of legal status [UNHCR, UNICEF, UNESCO, Pax Romana];

(e) Make the optimum use of existing cooperative, subregional, regional and interregional arrangements and mechanisms for the purpose of mutual assistance, particularly in database development, information-sharing, training and research;

(f) Foster the active role, work and contributions of the intergovernmental and non-governmental organizations concerned and involving the International Criminal Police Organization (Interpol) in the detection of international smuggling organizations and syndicates responsible for directing trafficking in women and alien smuggling operations [Pax Romana];

(g) Pursue an integrated and comprehensive approach to ensure full protection of women's rights and human dignity through the elimination of all forms of violence against women, including contemporary forms of slavery [Islamic Republic of Iran];

(h) Assist Governments, at their request, in undertaking the necessary reform of criminal justice systems and operations in order to upgrade their fair-treatment response, on the basis of these Measures, Strategies and Activities;

(i) Contribute to and support the activities of the United Nations Development Fund for Women in order to eliminate violence against women and promote fair treatment by criminal justice systems.

B. Technical assistance

29. Technical assistance and cooperation should be undertaken, as appropriate, which:

(a) Utilize these Measures, Strategies and Activities as a basis, a policy reference and a practical guide for all operational and advisory activities;

(b) Develop and execute practical projects on the basis of these Measures, Strategies and Activities;

(c) Disseminate and promote the use of manuals in local languages and other informative material on different form of violence against women, in order to promote effective responses and practices;

(d) Support the technical cooperation activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

IV. PROMOTING AND UTILIZING THE MEASURES ACROSS LEGAL SYSTEMS

30. Action to promote and apply these Practical Measures, Strategies and Activities in the Field of Crime Prevention and Criminal Justice for the Elimination of Violence against Women should be taken, as appropriate:

(a) To disseminate the Measures, Strategies and Activities in all official languages of the United Nations and encourage their translation into local languages;

(b) To make the Measures, Strategies and Activities available to, and to promote their widest possible usage by, all practitioners dealing with the problem of violence against women in various capacities and to the general public, to the extent feasible;

(c) To develop coordinated national, regional and subregional plans and programmes to put the Measures, Strategies and Activities into effect;

(d) To design standard training programmes for criminal justice officials at all levels, drawing upon relevant protocols, and to develop manuals and other technical material to be used in training centres, to the extent possible, with a view to promoting an understanding of the dynamics of violence against women and ensuring the appropriate, consistent, fair-treatment response to such violence;

(e) To compile a directory of crime prevention and criminal justice measures and responses;

(f) To develop and make available technical, informative material about the phenomenon and legal, policy and practical measures to be taken to eliminate it, across disciplines [Panama; WHO];

(g) From a gender-balanced perspective, to develop methodologies, conduct research, surveys and studies and undertake in-depth analyses of the incidence and responses to violence against women;

(h) To convene regional and interregional seminars and workshops in association with or under the auspices of the United Nations;

(i) To support the Special Rapporteur on violence against women, its causes and consequences, in the performance of her mandated work;

(j) To consider the elaboration of a convention on violence against women in all its forms or of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(k) To promote the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 - the expressed goal of the international community as proclaimed in the Platform for Action;

(l) To consider the means and mechanisms of recourse in international law for female victimization in times of war and military occupation, in critical or armed conflict situations [WHO, International Federation Terre des hommes] and where basic human rights are not guaranteed, such as where practices, like female genital mutilation, dowry-related violence and other dangerous health or cultural practices, victimize women [UNICRI];

(m) To periodically review and monitor, at the national and international levels, progress in terms of plans, programmes and initiatives to eliminate violence against women in the context of these Measures, Strategies and Activities [Panama].

Notes

[a]General Assembly resolution 34/180, annex, of 18 December 1979.

[b]*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (A/CONF.177/20 and Add.1), chap. I, resolution 1, annex II, para. 112.

[c]Ibid., annex II, paras. 113-117.

[d]Ibid., annex II, paras. 112-130 and 259-285.

[e]General Assembly resolution 44/25, annex, of 20 November 1989.

[f]See the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol (United Nations, *Treaty Series*, vol. 976, No. 14152); the Convention on Psychotropic Substances of 1971 (United Nations, *Treaty Series*, vol. 1019, No. 14956); and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5)).

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STRATEGIES FOR CRIME PREVENTION AND CONTROL, PARTICULARLY IN URBAN AREAS AND IN THE CONTEXT OF PUBLIC SECURITY

ELIMINATION OF VIOLENCE AGAINST WOMEN

Report of the Secretary-General

Addendum

1. The present addendum brings to the attention of the Commission on Crime Prevention and Criminal Justice additional information provided by Governments as of 31 March 1997, thereby updating the report of the Secretary-General on the elimination of violence against women (E/CN.15/1997/11). It summarizes the replies of 7 States (Belarus, Canada, Egypt, Italy, Tunisia, South Africa and United States of America), bringing the total number of contributing States to 28.

2. In their replies, Governments expressed support for the revised draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women (E/CN.15/1997/11, annex), emphasizing their timeliness and essential role in eliminating violence against women and in addressing gender bias in criminal justice administration. They provided information on the steps taken and the changes made in their countries in recent years, particularly with regard to legislative initiatives. Several issues were raised for consideration in preparing the final version of the draft measures. For the most part, however, those issues were already covered by, and thus would not alter, the revised draft text.

3. Belarus suggested that the following specific additional elements should be incorporated in or covered by the proposed draft measures: reference should be made to government statistics in the provision calling for the gender disaggregation of all relevant data: the term "police" should be replaced by "law enforcement officials"; and the public and non-governmental entities should be more fully involved in violence prevention.

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*E/CN.15/1997/1.

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4. Belarus further reported that it had already enacted legislation to combat violence against women. Its criminal law provisions covered nearly all acts specified in the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104). Under its new national plan of action and in the elaboration of all legal texts and codes, more severe penalties will be prescribed for violent crimes against the life, health, freedom or dignity of a woman or child.

5. Canada expressed the view that within the scope of the mandate and competence of the Commission, the draft measures should focus on what needed to be accomplished within the field of crime prevention and criminal justice. It was not necessary for the text to address the question of the elimination of violence against women in general terms, as did the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995. Given the limited time at the disposal of the Commission to consider the draft measures, the text might be shortened and geared to the achievement of very practical ends, as the title suggested.

6. In 1996, Egypt promulgated legislation designed to ensure the safety of expectant mothers by restricting the practice of the profession of obstetrics to medical practitioners. An exception was made for persons licensed by the Ministry of Health, who were obliged to comply with regulations established by the Minister of Health. Further legislation enacted in 1996 addressed the status of working women with regard to the provision of child care. A decree issued by the Minister of Health prohibited the circumcision of female children at State hospitals. The Government was actively pursuing a campaign to promote awareness of the dangers of this practice, with a view to "eradicating ... and expunging it from the body of inherited traditions", particularly among the less-educated segments of the population.

7. Italy has enacted legislation on sexual violence, broadening the scope of the previously used term and category of indecent assault. Offences would no longer be considered as having been committed against public morality or decency, but rather against the individual, the minimum penalty for which was increased. Aggravating circumstances would entail higher penalties for victimization of a minor, and group violence would be sanctioned more severely than violence perpetrated by a single individual.

8. South Africa reported on the legislation it had enacted in recent years to combat acts of violence against women. The Prevention of Family Violence Act of 1993, required, *inter alia*, the reporting of cases of violence or other forms of ill-treatment; conviction for marital rape; and issuance of restraining orders against the perpetrator of violence, including the barring of re-entry into the domicile.

9. Tunisia elaborated on the rights accorded to women under its law, which provided for gender equality in the treatment and protection of its citizens. Tunisia considered, however, that the inclusion in the draft measures of a provision for the lodging of complaints not only by the victim but by a third party might counteract legislative efforts to promote gender equality under its legal system.

10. The United States reported that it had enacted legislation introducing far more effective measures to combat all forms of violence against women. Those measures included stiffer penalties for domestic violence and more vigorous pursuit and prosecution of perpetrators, including those who flee across state borders, as well as disclosure and more severe sanctioning of sex offences. It had also initiated action to ensure better protection for children in the provision of child care, including stringent background checks of qualifications of child-care providers. The United States provided a multidisciplinary view of its efforts to eliminate violence against women, including a description of the work of the relevant agencies and general comments on the revised draft measures. It expressed a strong commitment to combating violence against women, having devised a multi-tiered mechanism for implementing many of the draft measures. It supported the revised draft measures and the flexibility that States would be able to exercise in applying elements appropriate to their national circumstances. It could not support provisions that might be inconsistent with the protections found in fundamental United States legal principles ensuring equal protection to all citizens under the law, regardless of gender, ethnic status or religion.